



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 15, 2020

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

IN RE:

COURT OPERATIONS UNDER EXIGENT
CIRCUMSTANCES CREATED BY THE
COVID-19 PANDEMIC

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GENERAL ORDER
2020-05

This Order is being issued in response to the recent outbreak of novel coronavirus, which causes the disease designated as COVID-19, in the United States and the State of Texas. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across more than 120 countries with more than 2,500 confirmed cases in the United States. The President of the United States recently declared a National Emergency as a result of the outbreak of COVID-19 in the United States.

The United States Bankruptcy Court for the Northern District of Texas has been closely monitoring the outbreak of COVID-19, including careful monitoring of the developing guidance from the Centers for Disease Control and Prevention (“CDC”). The CDC has described the outbreak of COVID-19 in the United States as a “rapidly evolving situation” and is providing continuously updated guidance as to the appropriate community response as conditions worsen.

The CDC's guidance includes multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been several confirmed cases of COVID-19 within the Northern District of Texas. The County of Dallas, where the Court's largest Division is located, has declared a public health emergency. The CDC and other public health entities have recommended social distancing as a means to limit further community spread of COVID-19. The Court is concerned about the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, and litigants and counsel who appear before the Court.

Therefore, given the severity of the risk to the persons listed above by the spread of COVID-19 in the Northern District of Texas, and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court ORDERS as follows:

1. For all matters currently set for hearing or trial between March 16 and May 1, 2020, including FINAL hearings on motions to terminate, annul, modify or condition the automatic stay pursuant to 11 U.S.C. § 362(d)-(f), but excluding all other types of hearings on motions regarding the § 362 stay (which are separately addressed below), counsel for moving parties will be contacted by Court staff to request an agreed postponement of any such hearings or trials until a date after May 1, 2020. Any agreement between a movant and respondent(s) to postpone a final hearing on a motion to lift stay to a date after May 1, 2020, constitutes an agreement to waive the 30 and 60-day deadlines in § 362(e). All parties are encouraged to cooperate in the postponement of currently scheduled hearings or trials. To the extent that any currently scheduled hearing or trial cannot be reset without undue prejudice to the moving party or plaintiff, and the Court agrees that such

scheduled hearing or trial must go forward during this time period, the Court will endeavor to limit the number of individuals that are required to attend the hearing or trial in person.

2. For all matters not currently set for hearing between March 16 and May 1, 2020 (whether an already filed motion or a motion filed on or after March 16), other than motions regarding the § 362 automatic stay, the Court will set the matter for hearing after May 1, 2020. To the extent that a party requests that a hearing be held on or before May 1, 2020, the Court will treat this request as an Emergency/Expedited Request for Hearing. Accordingly, during this time period, counsel must file a motion to obtain an emergency or expedited hearing stating the specific emergency and the specific reason(s) why the hearing cannot be held after May 1, 2020 without undue prejudice to the moving party. To the extent the Court agrees that a hearing must be held before May 1, 2020, the Court will endeavor to limit the number of individuals that are required to attend the hearing in person.

3. Notwithstanding the foregoing, the Court understands that requests for emergency consideration of certain first day matters in new chapter 11 cases may need to be heard during this time period and will endeavor to make accommodations on a case-by-case basis to allow those hearings to proceed and to limit those parties who are required to appear in person at such hearings.

4. For motions to terminate, annul, modify, or condition the automatic stay pursuant to 11 U.S.C. § 362(d)-(f), which motions are set for preliminary hearing in the Dallas and Fort Worth Divisions between March 16 and May 1, 2020, counsel and parties should not appear for the scheduled hearing and, instead, the motion will be resolved in one of three ways:

(a) movant may communicate to the courtroom deputy, prior to the scheduled hearing time and after the response deadline has passed, an agreement or default, and thereafter promptly submit the order;

(b) movant may communicate to the courtroom deputy, prior to the scheduled hearing time, an agreement to pass the set hearing to a final hearing after May 1, 2020, and waive all deadlines required under § 362(e); or

(c) in the event the Court does not receive an announcement of an agreed order, default, or pass prior to the scheduled hearing time, the Court will decide the motion based on the pleadings and affidavits on file in lieu of holding a hearing.

For motions to terminate, annul, modify, or condition the automatic stay pursuant to 11 U.S.C. § 362(d)-(f), filed after the entry of this order and before May 1, 2020, parties may self-calendar the motion for the appropriate judge's normally scheduled preliminary lift stay docket after May 1, 2020, and, by doing so, counsel is agreeing on behalf of a movant-client to waive the requirement under section 362(e) of a hearing within 30 days, which the Court encourages counsel to do given the current COVID-19 public health concerns. If movant does not agree to a hearing after May 1, 2020 (whether through self-calendaring or otherwise), counsel must file a motion for special setting, contact the courtroom deputy for such a special setting prior to May 1, 2020, and the Court will separately consider such request.

5. For motions to extend or impose the stay pursuant to 11 U.S.C. § 362(c), whether currently on file or filed prior to May 1, 2020, debtor's counsel shall submit bridge orders after the objection deadline has passed and the Court will, in most cases, sign bridge orders on these motions and set/reset them for hearing after May 1, 2020. If there are timely objections on file to these motions, the Court reserves discretion to decline to issue a bridge order (or only issue a very brief bridge order) and specially set the motion for hearing prior to May 1, 2020.

6. For hearings set in chapter 13 cases between March 16 and May 1, 2020 (including pre-hearing conferences before the chapter 13 trustee), other than motions regarding the § 362 automatic stay, the Court will coordinate with the individual chapter 13 trustee to minimize the number of cases that need to come before the Court for hearing during this time.

7. Recently, each of the Judges in the Dallas and Fort Worth Divisions updated their telephonic appearance policies to limit the necessity of obtaining permission from the Court to participate in hearings telephonically. To the extent possible, the Court will expand its use of telephonic and video conferencing during this time. The Court encourages parties to take advantage of the ability to participate in hearings telephonically in order to minimize the number of parties who attend hearings in person during this time.

8. All the Court's Divisional Offices will remain open for business during this time, although hours may be adjusted, if necessary. Many Court employees, including some chambers staff, will telework during this time. While teleworking, such employees will be accessible by phone and email. Please see the Court's website for instructions on how to contact Court employees. As always, electronic filings may continue to be made through the CM/ECF system.

9. During this time, any delivery directed to chambers shall be delivered instead to the Clerk's Office in each Division.

10. Unless extended, this Order will remain in effect through May 1, 2020, and will then expire.

IT IS SO ORDERED.

###END OF ORDER###